

## **Attendees**

**(Underline indicates attended meeting)**

**John West, Chair Richard Adams, Secretary Richard Cambra Jack Kane, Zoning Officer**

**Jack Maloney Claire Pimentel Barbara Schuster**

**Robert Silva Ed Silveira, Council Liaison Thomas Silveira, ZBR Chair Ron Wolanski, Town Planner**

**Sam Hogan, Asst. Town Planner**

**The meeting was called to order at 6:05 PM. Attendees were as indicated above.**

## **Previous Meeting Minutes**

**Minutes from the 9 January meeting had been previously distributed by email. No changes were made by the committee.**

## **Organizational Items and Authority**

**The committee began discussion at Section 904, Appeals, Special-Use Permits, and Variances and continued through Article 13 Off-Street Parking and Loading. Discussion Article 12, Signs was deferred pending report by the Signage Subcommittee. Specific changes considered are listed below in Recommended Changes.**

## **Review Approach and Schedule**

**Review of the Zoning Ordinance will proceed in sequence and return to Article 3 and Article 6 to consider commercial design standards changes. The committee members were asked to complete their review of the commercial design standards material by the next meeting. All committee review work must be complete by March 27**

and recommended changes provided to the Town Council on 3 April. The committee agreed that Claire Pimentel will do a final review of the proposed revised ordinance prior to forwarding to the Council.

### **Reference Materials**

The Zoning Ordinance of 12-09-04 is the basis for review. Title 45-24, Zoning, is available at <http://www.rilin.state.ri.us/Statutes/TITLE45/45-24/INDEX.HTM>.

### **Meeting Schedule**

Scheduled meetings are as follows: 13 February, 27 February, 13 March, 27 March.

### **Recommended Changes**

#### **a) Zoning Ordinance Changes**

Note: Recommended changes are shown in the current revised version of the ordinance. The file name is: Zoning Ordinance (12-09-04) Chap 1-26 Rev 1\_23\_06\_CDSCChgs.doc and is the current working file distributed to committee members. Changes proposed to implement commercial design standards have been added to the baseline. Stormwater amendment changes will be added as soon as the amendment is approved. The stormwater ordinance changes ZO Articles 7 and 13 as well as Town Ordinance 151, 153, and Subdivision/Land Development Regulations.

Global Changes. It was noted that the paragraph subordination of the Zoning Ordinance is inconsistent. That is, the designation of subordinate paragraphs varies among Sections, and levels of indenture are inconsistent. Recommended changes to paragraphing are shown in the current revision. Article and Sections will

renumbered as necessary when all review is complete.

**Article 1.** Minor changes were made clarifying text and adding references to RI General Laws. In general, when RIGL text is quoted or a section is required to conform to RIGL, a footnote has been added to indicate the applicable reference. Section 101, item (16) was added indicate conformance with RIGL related to affordable housing.

**Article 2.** Notes were added to indicate the text needs to be modified to reflect a 3rd Zoning Board alternate member if approved by the Town Council. Global revisions were made to make the language gender neutral. Zoning Board powers references were corrected.

**Article 3.** Minor readability clarifications were made. Section 304 Item M was changed to correct references. Clarification language was inserted in Section 304A. Sections should be renumbered to eliminate "A". All other corrections were grammatical or clarifications.

**Article 4.** Minor clarifications and misspellings corrected. Article 4 definitions were reviewed. Comments from Ron Wolanski and committee members were incorporated. To simplify the definitions, paragraph numbers were eliminated and definitions arranged in alphabetical order. An APA book of definitions was obtained and will be compared with Ordinance definitions. The committee will be advised of any recommended changes.

**Article 5.** Item K was modified to include a note explaining LI (Adjacent to Residential) modification to LI. Section 503 needs to be redrafted to provide guidance on how to divide lots with multiple zonings or simply authorize the Zoning Official to do so, which is

current practice.

**Article 6. Line by line review of the Section 602 and 603 tables continued through the end of the section. Recommended changes are shown in the current working revision.**

**Article 7. Modifications to Article 7 required to incorporate the Stormwater ordinance will be considered after the committee has an opportunity to review this amendment. Copies of the amendment were emailed to the committee.**

**Sect. 702 Number of Dwelling Units or Principal Building per Lot was modified to allow more than one building per lot. Section 704 Height and Yard Modifications was modified to require a variance rather than special use permit. Section 714 Swimming Pools was changed to require 4 ft. vs 5 ft. fence. Section 716 Yard Regulations: missing illustration will be inserted. Section 722 Waste Pens title was changed to Receptacle Enclosures and a reference to Town ordinances on the subject will be incorporated. Section 723 Farm-Promotion Accessory Uses: Restriction of additional impervious surfaces was deleted. Section 725 Light Industrial District was inserted.**

**Article 8. Section 803 Extension or Alteration was clarified to include requirement to obtain variance relief from the Zoning Board. Section 805 Special Use clarified. Section 806 Effect of Enactment of Amendment of Ordinance on Building Permits Valid as of Time of Such Enactment or Amendment: expiration was changed from 90 days to six months.**

**Article 9. Section 904 Basis for approval of a variance was relaxed by**

including “..primarily [due] to a physical or economic hardship...”.  
No other significant changes were proposed since the section is largely required by RIGL.

Article 10. No significant changes were proposed.

Article 11. No significant changes were proposed.

Article 12. Deferred pending report by the Signage Subcommittee.

Article 13. Discussion centered on the change recommended by the Commercial Design Standards Committee which would require parking for new developments to be behind or to the side of buildings. Also discussed was the desirability of incorporating parking regulations now contained in the Middletown’s “Rules and Regulations Regarding the Subdivision and Development of Land”, 1995 into the Zoning Ordinance. No specific changes were approved by the committee.

#### **b) Other Related Changes**

Relevant supporting Subdivision/Land Development Regulation changes are shown in filename Subdiv. Regs. 1995-Revisions to Dec. 2004 Rev\_Baseline\_DSChgs\_1.doc.

The meeting was adjourned at 8:55 PM.

#### **Action Items**

Respectfully Submitted,

/s/ R. P. Adams

Dick Adams, ZORC Secretary